

THURSDAY, FEBRUARY 16, 2012

FIFTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Reverend Joseph Howard, St. Joseph of Arimathea Episcopal Church, Hendersonville, TN.

RECOGNITION IN THE WELL

Representative Butt was recognized in the Well in order to introduce Ms. Victoria Saige Coble who sang "The Star Spangled Banner."

Representative Butt led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cobb

Representative Shepard; personal

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 187 Rep(s). Hardaway, Parkinson, Gilmore and Moore as prime sponsor(s).

House Joint Resolution No. 539 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Joint Resolution No. 561 Rep(s). Naifeh as prime sponsor(s).

House Joint Resolution No. 625 Rep(s). Harmon as prime sponsor(s).

House Joint Resolution No. 663 Rep(s). Faison as prime sponsor(s).

House Joint Resolution No. 671 Rep(s). Fitzhugh as prime sponsor(s).

House Joint Resolution No. 673 Rep(s). Ramsey as prime sponsor(s).

House Joint Resolution No. 674 Rep(s). Womick and Sparks as prime sponsor(s).

House Joint Resolution No. 676 Rep(s). Hardaway, Favors and Brown as prime sponsor(s).

House Joint Resolution No. 677 Rep(s). Hardaway, Favors and Brown as prime sponsor(s).

House Joint Resolution No. 680 Rep(s). Lollar as prime sponsor(s).

House Bill No. 440 Rep(s). Casada as prime sponsor(s).

House Bill No. 1431 Rep(s). Sanderson as prime sponsor(s).

House Bill No. 1691 Rep(s). B. Cooper as prime sponsor(s).

House Bill No. 2063 Rep(s). Parkinson, S. Jones, Sontany, Favors, Hardaway, Brown, J. Turner, Camper and B. Cooper as prime sponsor(s).

House Bill No. 2077 Rep(s). Parkinson, S. Jones, Hardaway, Favors, Brown, J. Turner, Camper and B. Cooper as prime sponsor(s).

House Bill No. 2079 Rep(s). Stewart, Parkinson, S. Jones, Sontany, Hardaway, J. Turner, Camper and B. Cooper as prime sponsor(s).

House Bill No. 2161 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 2164 Rep(s). Parkinson, S. Jones, Hardaway, Sontany, J. Turner, Brown and B. Cooper as prime sponsor(s).

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House Bill No. 2218 Rep(s). Sparks as prime sponsor(s).

House Bill No. 2189 Rep(s). Carr, Sparks, Rich and McCormick as prime sponsor(s).

House Bill No. 2215 Rep(s). Hardaway, Womick, Pody, Shipley, Campbell, Hurley, Moore, Hall, Keisling, Parkinson, Ragan, Favors, Gotto, Forgety, Sexton, White, R. Williams, H. Brooks, Sanderson and D. Miller as prime sponsor(s).

House Bill No. 2281 Rep(s). Armstrong, Hardaway, Parkinson, Fitzhugh, Brown, Eldridge, Ragan, Haynes, Halford, Shaw, McManus, L. Miller, J. Turner, Lollar and C. Johnson as prime sponsor(s).

House Bill No. 2298 Rep(s). Swann as prime sponsor(s).

House Bill No. 2301 Rep(s). Favors, Sontany, Hardaway, Brown, J. Turner and B. Cooper as prime sponsor(s).

House Bill No. 2302 Rep(s). Parkinson, Favors, J. Turner, Camper, Brown and B. Cooper as prime sponsor(s).

House Bill No. 2303 Rep(s). Parkinson, S. Jones, Hardaway, Favors, J. Turner, Camper, Brown and B. Cooper as prime sponsor(s).

House Bill No. 2305 Rep(s). Brown and Camper as prime sponsor(s).

House Bill No. 2308 Rep(s). Camper as prime sponsor(s).

House Bill No. 2309 Rep(s). Sontany and Camper as prime sponsor(s).

House Bill No. 2310 Rep(s). Brown and Camper as prime sponsor(s).

House Bill No. 2312 Rep(s). Brown and Camper as prime sponsor(s).

House Bill No. 2314 Rep(s). Camper as prime sponsor(s).

House Bill No. 2315 Rep(s). Parkinson, Hardaway, Sontany, Camper and Brown as prime sponsor(s).

House Bill No. 2317 Rep(s). Parkinson, Hardaway, Favors, Camper and Brown as prime sponsor(s).

House Bill No. 2319 Rep(s). Parkinson, Sontany, Camper and Brown as prime sponsor(s).

House Bill No. 2323 Rep(s). Parkinson, Hardaway and Camper as prime sponsor(s).

House Bill No. 2324 Rep(s). Parkinson, Hardaway, Sontany, Camper and Brown as prime sponsor(s).

House Bill No. 2326 Rep(s). Hurley as prime sponsor(s).

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House Bill No. 2337 Rep(s). S. Jones, Dean, Ford and R. Williams as prime sponsor(s).

House Bill No. 2338 Rep(s). S. Jones as prime sponsor(s).

House Bill No. 2354 Rep(s). McManus as prime sponsor(s).

House Bill No. 2367 Rep(s). Richardson and Favors as prime sponsor(s).

House Bill No. 2370 Rep(s). Hardaway, Parkinson, Eldridge, Roach, Sargent, Watson and Dean as prime sponsor(s).

House Bill No. 2405 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 2444 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Bill No. 2445 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Bill No. 2446 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Bill No. 2484 Rep(s). P. Johnson as prime sponsor(s).

House Bill No. 2489 Rep(s). Hardaway, Lollar, Parkinson, Haynes, H. Brooks, D. Miller, Moore, Lundberg, Eldridge, White, Carr, K. Brooks, Dunn, Sexton, Wirgau, Halford, Butt, Shipley, R. Williams and McManus as prime sponsor(s).

House Bill No. 2491 Rep(s). C. Johnson, Parkinson, Hardaway, Ragan, Haynes, Halford, J. Turner, Fitzhugh, Sargent, H. Brooks and Eldridge as prime sponsor(s).

House Bill No. 2493 Rep(s). Sontany as prime sponsor(s).

House Bill No. 2582 Rep(s). Parkinson, S. Jones, Hardaway, J. Turner, Brown, Camper and B. Cooper as prime sponsor(s).

House Bill No. 2638 Rep(s). Womick, Hill, Sargent, H. Brooks, Todd, Rich, Eldridge, Weaver, Harrison, Lollar, Evans, Shipley, Coley, Sanderson, Alexander, Ragan, McManus, Maggart, Gotto, Casada, D. Miller, C. Johnson, K. Brooks, Lundberg, White, Hurley, Niceley, Halford, P. Johnson, Dean, Powers, R. Williams and Bass as prime sponsor(s).

House Bill No. 2785 Rep(s). B. Cooper as prime sponsor(s).

House Bill No. 2823 Rep(s). Sontany as prime sponsor(s).

House Bill No. 2918 Rep(s). Floyd, Hensley, Towns, Moore, Forgety, Todd, Richardson, Coley, Camper, Matheny, McDonald, Sanderson and H. Brooks as prime sponsor(s).

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House Bill No. 2922 Rep(s). Floyd, Hensley, Watson, Forgety, Towns, M. Turner, Todd, Camper, Lollar, Matheny, McDonald, J. DeBerry, Weaver, Sanderson and H. Brooks as prime sponsor(s).

House Bill No. 2923 Rep(s). Floyd, Hensley, Watson, Forgety, Towns, Camper, M. Turner, Todd, Lollar, Matheny, J. DeBerry, H. Brooks, Weaver, Sanderson and White as prime sponsor(s).

House Bill No. 2926 Rep(s). Floyd, Watson, Forgety, Matheny, McDonald, J. DeBerry and Sanderson as prime sponsor(s).

House Bill No. 2935 Rep(s). Camper, Maggart, Rich, Lundberg and Faison as prime sponsor(s).

House Bill No. 2972 Rep(s). Naifeh as prime sponsor(s).

House Bill No. 3200 Rep(s). Hurley as prime sponsor(s).

House Bill No. 3320 Rep(s). Womick and Sanderson as prime sponsor(s).

House Bill No. 3578 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 3579 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 3624 Rep(s). Floyd, Watson, Keisling, Towns and H. Brooks as prime sponsor(s).

House Bill No. 3727 Rep(s). L. DeBerry, Fitzhugh and Pitts as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Sargent was/were removed as sponsor(s) of **House Bill No. 2430**.

**MESSAGE FROM THE SENATE
February 14, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 537, 575, 576, 577, 590 and 591; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 537 -- Naming and Designating - "Digital Learning Day," February 1, 2012. by *Gresham.

Senate Joint Resolution No. 575 -- Memorials, Retirement - Vic Humeniuk. by *Burks.

Senate Joint Resolution No. 576 -- Memorials, Recognition - Veterans Honor Guard. by *Burks, *Ford, *Stewart, *Tracy.

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Senate Joint Resolution No. 577 -- Memorials, Death - Angelo Vic Varallo. by *Henry, *Kyle, *Harper, *Haynes, *Herron, *Tracy.

Senate Joint Resolution No. 590 -- Memorials, Sports - University of Memphis. by *Kyle, *Ford, *Kelsey, *Marrero, *Norris, *Tate, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Ketron, *Massey, *McNally, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tracy, *Watson, *Yager, *Ramsey.

Senate Joint Resolution No. 591 -- Memorials, Sports - Christian Brothers High School wrestling team, State Duals champions. by *Kyle, *Watson, *Ford, *Kelsey, *Marrero, *Norris, *Tate, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Ketron, *Massey, *McNally, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tracy, *Yager, *Ramsey.

**MESSAGE FROM THE SENATE
February 14, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) 524, 2192, 2198, 2216, 2230, 2235, 2265, 2385, 2466, 2516, 2552, 2644, 2702, 2752, 2825, 2883 and 3208; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 524 -- Safety, Dept. of - As introduced, increases frequency for physical examinations by Tennessee physicians that for-hire motor carriers providing passenger transportation are required to submit to, from current biennial to annual exams. - Amends TCA Title 7; Title 51 and Title 65. by *Tracy. (*HB548 by *Harmon)

***Senate Bill No. 2192** -- Senate - As introduced, changes T.C.A. to reflect renaming of the senate environment, conservation and tourism committee as the "senate energy and environment committee." - Amends TCA Title 4; Title 7; Title 8; Title 9; Title 11; Title 43; Title 67; Title 69 and Title 70. by *Southerland. (HB2746 by *Hawk)

***Senate Bill No. 2198** -- Privacy, Confidentiality - As introduced, classifies as a confidential record the emergency contact information for any state, county, municipal or other public employee or former employee, or of any law enforcement officer in the employ of a public college or university. - Amends TCA Title 10, Chapter 7. by *Yager. (HB2335 by *Ramsey)

Senate Bill No. 2216 -- Banks and Financial Institutions - As introduced, specifies that the limits on loans to any one borrower must take into consideration credit exposure arising from derivative transactions between the state bank and the person. - Amends TCA Title 45, Chapter 2. by *Norris, *Johnson. (*HB2354 by *McCormick, *Brooks K, *McManus)

Senate Bill No. 2230 -- Controlled Substances - As introduced, rewrites the provisions governing the scheduling of controlled substances. - Amends TCA Title 39, Chapter 17, Part 4. by *Norris, *McNally, *Crowe, *Burks. (*HB2368 by *McCormick, *Powers, *Sparks)

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Senate Bill No. 2235 -- Controlled Substances - As introduced, rewrites certain provisions regarding the sale and purchase of an immediate methamphetamine precursor. - Amends TCA Section 39-17-431. by *Norris, McNally, Crowe, Beavers, Herron, Yager. (*HB2373 by *McCormick, *Hawk)

***Senate Bill No. 2265** -- Local Government, General - As introduced, extends from June 30, 2012, to June 30, 2014, the expiration date for the authority of Hamilton, Knox and Shelby counties, Chattanooga, Knoxville, Memphis and Metropolitan Nashville to sell bonds at private sale upon terms and conditions that it determines and upon approval by the governing body of the local government. - Amends TCA Section 9-21-132. by *Watson. (HB2422 by *Harrison)

Senate Bill No. 2385 -- Highway Signs - As introduced, names bridge in Dickson County in honor of the late Lt. Col. Malcolm Glenn Hicks, USAF. by *Summerville. (*HB2477 by *Shepard)

Senate Bill No. 2466 -- Highway Signs - As introduced, changes description of Veterans Memorial Mile in Knox County to segment of S.R. 62 from Solway Bridge to intersection with S.R. 162. - Amends Chapter 85 of the Public Acts of 2011. by *McNally. (*HB2484 by *Haynes, *Johnson P)

Senate Bill No. 2516 -- State Government - As introduced, provides for the designation of the Tennessee Day of Prayer as the first Thursday in May of each calendar year. - Amends TCA Title 4. by *Beavers, *Barnes, *Burks, *Roberts. (*HB2321 by *Pody, *Williams R, *Butt, *Forgety, *Sexton, *Powers, *Ragan, *Hall, *White, *Hurley, *Evans)

***Senate Bill No. 2552** -- Marriage - As introduced, allows appointed and elected municipal court judges to solemnize marriages in any county of the state rather than in just the municipality in which the judge has jurisdiction. - Amends TCA Title 36, Chapter 3, Part 3. by *Ketron. (HB2826 by *Sparks)

***Senate Bill No. 2644** -- Consumer Protection - As introduced, authorizes a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy pursuant to the sale of a mattress; includes a mattress returned pursuant to such a policy in definition of secondhand. - Amends TCA Title 47, Chapter 18, Part 1 and Title 68, Chapter 15, Part 2. by *Bell. (HB2802 by *Brooks K)

***Senate Bill No. 2702** -- Banks and Financial Institutions - As introduced, allows securities or investment accounts held by bank trust departments to have a payable on death designated beneficiary. - Amends TCA Title 35, Chapter 12. by *Bell. (HB2937 by *Sexton, Fitzhugh, Marsh)

Senate Bill No. 2752 -- Highway Signs - As introduced, includes I-26 in Unicoi County within Purple Heart Trail. - Amends Chapter 741 of the Public Acts of 2006 and Chapter 767 of the Public Acts of 2004. by *Southerland, *Crowe. (*HB2804 by *Hawk)

***Senate Bill No. 2825** -- Business and Commerce - As introduced, decreases time a scrap jewelry and metal dealer has to hold items from 30 days from date of purchase to 20 days from date of purchase. - Amends TCA Title 38, Chapter 1, Part 2. by *Ketron. (HB3371 by *Carr)

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Senate Bill No. 2883 -- Education - As introduced, continues the career and technical class size extension pilot project in the Metro Nashville public schools; provides that the pilot shall only be used in schools or programs implementing the career academy or small learning community model. - Amends TCA Title 49, Chapter 1, Part 1. by *Haynes, *Burks. (*HB2415 by *Gilmore)

***Senate Bill No. 3208** -- Utilities, Utility Districts - As introduced, deletes language that referenced a subsection that was repealed concerning utility district rates sufficient to pay costs and retire bonds. - Amends TCA Title 7, Chapter 82. by *Yager, *Ketron. (HB3523 by *Haynes)

**MESSAGE FROM THE SENATE
February 14, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 561 and 574; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
February 14, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 561 and 574.

**ENROLLED BILLS
February 14, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 630, 637, 652 and 653; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
February 14, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 630, 637, 652 and 653.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 14, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 630, 637, 652 and 653; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
February 14, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 551, 2203, 2244 and 2360.

**REPORT OF CHIEF ENGROSSING CLERK
February 14, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 630, 637, 652 and 653; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 601; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 601 -- General Assembly, Recess & Reconvene - Recesses 107th General Assembly from February 16, 2012, until February 23, 2012. by *Norris.

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 580, 581, 582, 583 and 599; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 580 -- Memorials, Professional Achievement - John Black, 2011 General Aviation Airport Manager of the Year for the FAA Southern Region Airports Division. by *Ketrone, *Tracy, *Gresham, *Stewart.

Senate Joint Resolution No. 581 -- Memorials, Recognition - NAMI Tennessee's Multicultural All in the Family Summit 2012. by *Henry, *Finney L, *Herron, *Marrero, *Tracy, *Yager.

Senate Joint Resolution No. 582 -- Memorials, Recognition - Clay County 2011 Fair, Division "A" Most Improved 2011 Fair Season Award. by *Beavers.

Senate Joint Resolution No. 583 -- Memorials, Retirement - Ron Bennett. by *Crowe, *Massey.

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Senate Joint Resolution No. 599 -- Memorials, Retirement - Joan Cronan. by *Massey, *Haynes, *Herron, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Henry, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 884, 2213, 2214, 2215, 2242, 2248, 2490, 2561, 2647, 2798, 2829 and 3117; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Bill No. 884 -- Unemployment Compensation - As introduced, authorizes spouses of military members who leave employment due to military reassignment to qualify for unemployment benefits; requires that state pay such benefits and does not count against employer's experience rating. - Amends TCA Title 50, Chapter 7. by *Barnes, *Finney L, *Kyle, *Berke, *Burks, *Ford, *Harper, *Haynes, *Herron, *Marrero, *Overbey, *Stewart. (*HB984 by *Pitts)

Senate Bill No. 2213 -- Taxes, Franchise - As introduced, revises various provisions regarding the job tax credit given for new full-time employee jobs filled by a person with disabilities who is receiving state services directly related to such disabilities. - Amends TCA Section 67-4-2109(f). by *Norris, *Massey, *Overbey. (*HB2351 by *McCormick, *Haynes)

Senate Bill No. 2214 -- Banks and Financial Institutions - As introduced, authorizes commissioner of financial institutions to establish a fee by rule for conducting off-site investigation or examination of any mortgage lender, mortgage loan broker, mortgage loan servicer, or mortgage loan originator. - Amends TCA Title 45, Chapter 13. by *Norris. (*HB2352 by *McCormick, *Maggart)

Senate Bill No. 2215 -- Short Term Loans and Lenders - As introduced, revises various provisions governing deferred presentment services, including provisions regarding qualifications for licensure; authorizes commissioner of financial institutions to require persons subject to Deferred Presentment Services Act to be licensed through a multi-state automated licensing system. - Amends TCA Title 45, Chapter 17. by *Norris, *Ketron. (*HB2353 by *McCormick, *Johnson C)

Senate Bill No. 2242 -- Highways, Roads and Bridges - As introduced, revises provisions governing the distribution of utility relocation plans to utility owners. - Amends TCA Section 54-5-854. by *Norris, *Bell. (*HB2380 by *McCormick, *Weaver)

Senate Bill No. 2248 -- Probation and Parole - As introduced, transfers from board of probation and parole to department of correction certain functions relating to probation and parole services and the community correction grant program. - Amends TCA Title 4; Title 38; Title 39; Title 40; Title 41 and Title 55. by *Norris, *Faulk, *Yager, *Kelsey. (*HB2386 by *McCormick, *Haynes, *Fitzhugh)

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***Senate Bill No. 2490** -- Municipal Government - As introduced, increases from \$300,000 to \$500,000 the maximum amount of revenue and debt a municipality may have in order to qualify to contract with a certified municipal finance officer (CMFO) or a qualified individual who is exempt from CMFO certification for financial oversight instead of employing a CMFO. - Amends TCA Title 6, Chapter 56, Part 4. by *Summerville. (HB2627 by *Wirgau).

Senate Bill No. 2561 -- Unemployment Compensation - As introduced, conforms language under the employment security law concerning amount of retainage by a contractor entering into a contract with the state or local governments to conform to 5 percent as authorized generally for contractors. - Amends TCA Title 50, Chapter 7, Part 4. by *Ketron, *Herron. (*HB2409 by *Curtiss)

***Senate Bill No. 2647** -- Coon Dog Laws - As introduced, adds Morgan County to group of counties where the training season for coon dogs is at least six months, instead of having a training season from July 1 to the first day of the open season for hunting coons. - Amends TCA Title 70, Chapter 4, Part 1. by *Yager, *Barnes. (HB3048 by *Windle)

***Senate Bill No. 2798** -- Sunset Laws - As introduced, repeals the cemetery advisory board. - Amends TCA Title 4, Chapter 29 and Title 46, Chapter 1, Part 3. by *Bell. (HB3088 by *Cobb, *Shipley)

***Senate Bill No. 2829** -- Banks and Financial Institutions - As introduced, expands the definition of a domestic holding company, for purposes of organizing, owning or controlling as a credit card state bank, from a company meeting certain requirements to a company under common control with another company that meets said requirements; extends the effective date of such expanded definition from July 1, 2012, to July 1, 2014. - Amends TCA Title 45, Chapter 2, Part 19. by *Ketron. (HB3091 by *Sargent)

Senate Bill No. 3117 -- Alcoholic Beverages - As introduced, authorizes Norris Landing Marina in Claiborne County to be issued a license as a premier type tourist resort. - Amends TCA Section 57-4-102 and Section 57-4-102. by *Yager. (*HB2903 by *Sargent)

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative McCormick was recognized in the Well in order to commend Representatives Fitzhugh, Harrison, Sargent and Tindell on their efforts on aiding Tennessee in refinancing and achieving debt service savings.

RECOGNITION IN THE WELL

Representative Gotto, joined by Representatives Casada, Hensley, Hill and Sargent, was recognized in the Well to introduce and commend Donald H. Alexander.

RESOLUTION READ

The Clerk read House Joint Resolution No. 639, previously adopted on February 9, 2012, honoring and commending Mr. Donald H. Alexander for his distinguished service to the Tennessee Medical Association, the physicians of our state and the patients they serve; after which Mr. Alexander expressed his gratitude to the members.

House Joint Resolution No. 639 -- Memorials, Retirement - Donald Alexander. by *Gotto, *Harwell, *Casada, *Sargent, *Hill.

RULES SUSPENDED

Rep. Parkinson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 682 out of order, which motion prevailed.

House Joint Resolution No. 682 -- Memorials, Recognition - Velma Lois Jones, Drum Majors for Service Award. by *Parkinson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Parkinson, with the request that the Shelby County delegation be added as co-prime sponsors, the resolution was adopted.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 188 -- Common Carriers - Requests a waiver from the Federal Motor Carrier Safety Administration to apply certain safety requirements on certain commercial motor vehicles transporting loads interstate; and requests an amendment to federal safety standards to conform to the Tennessee requirements. by *Harmon.

House Education Committee

House Joint Resolution No. 662 -- Naming and Designating - "Tennessee Campus Compact Day on the Hill," March 28, 2012. by *Pitts.

House Education Committee

House Joint Resolution No. 664 --Naming and Designating - Designates third Monday in May as "Rescue Squad Day" in Tennessee. by *Cobb.

House State and Local Government Committee

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***House Joint Resolution No. 667** -- Memorials, Congress - Urges Congress to overturn the Health & Human Services final interim rule on contraceptives coverage for religiously-affiliated employers. by *Cobb, *Floyd, *Matlock, *Brooks K, *White, *Miller D, *McDaniel, *Maggart, *McCormick, *Haynes, *Powers, *Alexander, *Niceley, *Carr, *Sexton, *Wirgau, *Matheny, *Evans, *Forgety, *Hall, *Pody, *Keisling, *Hurley, *Curtiss, *Faison, *Butt, *Gotto, *Bass, *Harwell, *Dunn, *Womick.

House Health and Human Resources Committee

***House Joint Resolution No. 670** -- General Assembly, Statement of Intent or Position - Designates Old U.S. Highway 27 in Tennessee as an historic road and supports such designation on a national level. by *Hurley.

House Transportation Committee

House Joint Resolution No. 679 -- Naming and Designating - "Human Trafficking Awareness Month" in Tennessee, May 2012. by Jones S.

House Judiciary Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar No. 2 for February 16, 2012:

House Resolution No. 187 -- Memorials, Recognition - Congressman John Lewis. by *Favors, *Brown.

House Joint Resolution No. 669 -- Memorials, Professional Achievement - Cadet Colonel Adam Smith, CAP General Carl A. Spaatz Award. by *Hensley, *Brooks K.

House Joint Resolution No. 671 -- Memorials, Public Service - Lewis Norman, 2011 Dyer County Man of the Year. by *Sanderson.

House Joint Resolution No. 672 -- Memorials, Recognition - Maryanna McClure. by *Sanderson.

House Joint Resolution No. 673 -- Memorials, Personal Occasion - Dorothy Crawford, 90th birthday. by *Swann.

House Joint Resolution No. 674 -- Memorials, Recognition - Dr. Jerry W. Williams. by *Carr.

House Joint Resolution No. 675 -- Memorials, Recognition - Rawls family, 2012 AT&T Black History Calendar Business Honorees. by *Shaw, *Fitzhugh, *Naife, *DeBerry L, *Parkinson.

House Joint Resolution No. 676 -- Memorials, Recognition - Raleigh Assembly of God & The Springs at Southwind. by *Parkinson.

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House Joint Resolution No. 677 -- Memorials, Recognition - Dr. Sammie Holloway. by *Parkinson.

House Joint Resolution No. 678 -- Memorials, Recognition - Kurt Carr. by *DeBerry L, *Parkinson, *Miller L, *Camper.

House Joint Resolution No. 680 -- Memorials, Professional Achievement - Deputy Fire Marshal Howard McNatt, Knights of Columbus Employee of the Year. by *Coley.

House Joint Resolution No. 681 -- Memorials, Recognition - Jones Companies, Ltd., 75th anniversary. by *Halford.

House Joint Resolution No. 683 -- Memorials, Personal Achievement - Benjamin J. Mahooty, Eagle Scout. by *Powers.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 23, 2012:

House Joint Resolution No. 684 -- Memorials, Recognition - Hannah Wright, Prudential Spirit of Community Award recipient. by *Carr.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for February 23, 2012:

Senate Joint Resolution No. 580 -- Memorials, Professional Achievement - John Black, 2011 General Aviation Airport Manager of the Year for the FAA Southern Region Airports Division. by *Ketron, *Tracy, *Gresham, *Stewart.

Senate Joint Resolution No. 581 -- Memorials, Recognition - NAMI Tennessee's Multicultural All in the Family Summit 2012. by *Henry, *Finney L, *Herron, *Marrero, *Tracy, *Yager.

Senate Joint Resolution No. 582 -- Memorials, Recognition - Clay County 2011 Fair, Division "A" Most Improved 2011 Fair Season Award. by *Beavers.

Senate Joint Resolution No. 583 -- Memorials, Retirement - Ron Bennett. by *Crowe, *Massey.

Senate Joint Resolution No. 599 -- Memorials, Retirement - Joan Cronan. by *Massey, *Haynes, *Herron, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Henry, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *McNally, *Norris, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tate, *Tracy, *Watson, *Yager, *Ramsey.

RESOLUTIONS LYING OVER

On motion, the resolution(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 537 -- Naming and Designating - "Digital Learning Day," February 1, 2012. by *Gresham.

House Education Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3849 -- Weakley County - As introduced, subject to local approval, abolishes the Weakley County highway commission. by *Holt.

House Bill No. 3850 -- Greeneville - As introduced, subject to local approval, revises the charter to provide for a city administrator and for the appointment of a city judge. - Amends Chapter 563 of the Acts of 1903. by *Hawk.

House Bill No. 3851 -- Hamilton County - As introduced, subject to local approval, increases the board of the Chattanooga-Hamilton County Hospital Authority from 11 to 13; the legislative delegation is to appoint the two additional members upon the recommendation by the Hamilton County Medical Society. - Amends Chapter 297 of the Private Acts of 1976. by *McCormick.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 524 -- Safety, Dept. of - As introduced, increases frequency for physical examinations by Tennessee physicians that for-hire motor carriers providing passenger transportation are required to submit to, from current biennial to annual exams. - Amends TCA Title 7; Title 51 and Title 65. by *Tracy. (*HB548 by *Harmon)

***Senate Bill No. 2192** -- Senate - As introduced, changes T.C.A. to reflect renaming of the senate environment, conservation and tourism committee as the "senate energy and environment committee." - Amends TCA Title 4; Title 7; Title 8; Title 9; Title 11; Title 43; Title 67; Title 69 and Title 70. by *Southerland. (HB2746 by *Hawk)

***Senate Bill No. 2198** -- Privacy, Confidentiality - As introduced, classifies as a confidential record the emergency contact information for any state, county, municipal or other public employee or former employee, or of any law enforcement officer in the employ of a public college or university. - Amends TCA Title 10, Chapter 7. by *Yager. (HB2335 by *Ramsey)

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Senate Bill No. 2216 -- Banks and Financial Institutions - As introduced, specifies that the limits on loans to any one borrower must take into consideration credit exposure arising from derivative transactions between the state bank and the person. - Amends TCA Title 45, Chapter 2. by *Norris, *Johnson. (*HB2354 by *McCormick, *Brooks K, *McManus)

Senate Bill No. 2230 -- Controlled Substances - As introduced, rewrites the provisions governing the scheduling of controlled substances. - Amends TCA Title 39, Chapter 17, Part 4. by *Norris, *McNally, *Crowe, *Burks. (*HB2368 by *McCormick, *Powers, *Sparks)

***Senate Bill No. 2265** -- Local Government, General - As introduced, extends from June 30, 2012, to June 30, 2014, the expiration date for the authority of Hamilton, Knox and Shelby counties, Chattanooga, Knoxville, Memphis and Metropolitan Nashville to sell bonds at private sale upon terms and conditions that it determines and upon approval by the governing body of the local government. - Amends TCA Section 9-21-132. by *Watson. (HB2422 by *Harrison)

***Senate Bill No. 2335** -- Sunset Laws - As introduced, extends the Tennessee heritage conservation trust fund, board of trustees, June 30, 2016. - Amends TCA Title 4, Chapter 29 and Title 11, Chapter 7. by *Bell. (HB2531 by *Cobb, *Shipley, *Rich)

Senate Bill No. 2385 -- Highway Signs - As introduced, names bridge in Dickson County in honor of the late Lt. Col. Malcolm Glenn Hicks, USAF. by *Summerville. (*HB2477 by *Shepard)

Senate Bill No. 2466 -- Highway Signs - As introduced, changes description of Veterans Memorial Mile in Knox County to segment of S.R. 62 from Solway Bridge to intersection with S.R. 162. - Amends Chapter 85 of the Public Acts of 2011. by *McNally. (*HB2484 by *Haynes, *Johnson P)

Senate Bill No. 2516 -- State Government - As introduced, provides for the designation of the Tennessee Day of Prayer as the first Thursday in May of each calendar year. - Amends TCA Title 4. by *Beavers, *Barnes, *Burks, *Roberts. (*HB2321 by *Pody, *Williams R, *Butt, *Forgety, *Sexton, *Powers, *Ragan, *Hall, *White, *Hurley, *Evans)

***Senate Bill No. 2552** -- Marriage - As introduced, allows appointed and elected municipal court judges to solemnize marriages in any county of the state rather than in just the municipality in which the judge has jurisdiction. - Amends TCA Title 36, Chapter 3, Part 3. by *Ketron. (HB2826 by *Sparks)

***Senate Bill No. 2644** -- Consumer Protection - As introduced, authorizes a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy pursuant to the sale of a mattress; includes a mattress returned pursuant to such a policy in definition of secondhand. - Amends TCA Title 47, Chapter 18, Part 1 and Title 68, Chapter 15, Part 2. by *Bell. (HB2802 by *Brooks K)

***Senate Bill No. 2702** -- Banks and Financial Institutions - As introduced, allows securities or investment accounts held by bank trust departments to have a payable on death designated beneficiary. - Amends TCA Title 35, Chapter 12. by *Bell. (HB2937 by *Sexton, Fitzhugh, Marsh)

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Senate Bill No. 2752 -- Highway Signs - As introduced, includes I-26 in Unicoi County within Purple Heart Trail. - Amends Chapter 741 of the Public Acts of 2006 and Chapter 767 of the Public Acts of 2004. by *Southerland, *Crowe. (*HB2804 by *Hawk)

***Senate Bill No. 2825** -- Business and Commerce - As introduced, decreases time a scrap jewelry and metal dealer has to hold items from 30 days from date of purchase to 20 days from date of purchase. - Amends TCA Title 38, Chapter 1, Part 2. by *Ketron. (HB3371 by *Carr)

Senate Bill No. 2883 -- Education - As introduced, continues the career and technical class size extension pilot project in the Metro Nashville public schools; provides that the pilot shall only be used in schools or programs implementing the career academy or small learning community model. - Amends TCA Title 49, Chapter 1, Part 1. by *Haynes, *Burks. (*HB2415 by *Gilmore)

***Senate Bill No. 3208** -- Utilities, Utility Districts - As introduced, deletes language that referenced a subsection that was repealed concerning utility district rates sufficient to pay costs and retire bonds. - Amends TCA Title 7, Chapter 82. by *Yager, *Ketron. (HB3523 by *Haynes)

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 14, 2012**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 16, 2012**: House Bill(s) No(s). 2638, 2370, 2225, 2371, 2358, 2405, 548, 2665, 2489, 2161, 2189, 2393, 2215, 2326, 2281 and 2491.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 23, 2012**: House Bill(s) No(s). 2369, 2367, House Joint Resolution(s) No(s). 561, House Bill(s) No(s). 2475, 2477, House Joint Resolution(s) No(s). 564, House Bill(s) No(s). 2407, 2336, 2540, 3089, House Joint Resolution(s) No(s). 559, House Bill(s) No(s). 2804, 2223, 3135 and House Joint Resolution(s) No(s). 568.

COMMERCE COMMITTEE

The Commerce Committee recommended for passage: House Bill(s) No(s). 2850, 2683, 2947 and 2937, also House Bill(s) No(s). 2345, 1442 and 2409 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also transmitted the following bill(s) to the Government Operations Committee for review: House Bill(s) No(s). 2354.

CONSUMER AND EMPLOYEE AFFAIRS COMMITTEE

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2802. Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION COMMITTEE

The Education Committee recommended for passage: House Bill(s) No(s). 2415 and 2458, also House Bill(s) No(s). 2328, 2653 and 2414 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3093. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2236, 2793, 2878, 2682, 2465, 2587, 2588, 2609, 373, 2481, 2598, 2351, 2756, 2378 and 2561, also House Bill(s) No(s). 2396 and 2383 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY COMMITTEE

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2453 and 2678, also House Bill(s) No(s). 2823 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2774 and 2493 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT COMMITTEE

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3727, 2500, 3200, 2321, 2397, 2490, 3011, 2335, 2196, House Joint Resolution(s) No(s). 563, 557 and 535. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2800, 2650, 3015, 2627 and 2398, also House Bill(s) No(s). 430 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee also transmitted the following bill(s) to the Government Operations Committee for review: House Bill(s) No(s). 2501.

TRANSPORTATION COMMITTEE

The Transportation Committee recommended for passage: House Bill(s) No(s). 2547, also House Bill(s) No(s). 2729 and 2843, with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3010, 3008, 3562, 2688, 2616, 3223, 2576, 3050, 3305, 2443, 3026, 3131, 3134 and 2794, also House Bill(s) No(s). 2329 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

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The Committee also transmitted the following bill(s) to the Government Operations Committee: House Bill(s) No(s). 2484.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 15, 2012**, reported the following:

CHILDREN AND FAMILY AFFAIRS COMMITTEE

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 2744 and 2456. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS COMMITTEE

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2507, 2532, 3088, 3080, 2364 and 2229. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2294 and 2360. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES COMMITTEE

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2632 and 2792, also House Bill(s) No(s). 2359 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 16, 2012**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 23, 2012**: House Bill(s) No(s). 2496, 2850, 2729, 2744, 2409, 2947, 2802, 2345, 2321, 2456, 2632, 2376, 2683, 2229, 2414, House Joint Resolution(s) No(s). 602, House Bill(s) No(s). 2196, 2335, 2378, 2653 and 2328.

The Committee also set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **February 23, 2012**: House Bill(s) No(s). 2500, 2507, 2532, 3088, 3080, 2682, House Joint Resolution(s) No(s). 535, House Bill(s) No(s). 2397, 2756, House Joint Resolution(s) No(s). 202, House Bill(s) No(s). 2588, 3200, House Joint Resolution(s) No(s). 563, House Bill(s) No(s). 2415, House Resolution(s) No(s). 166, House Joint Resolution(s) No(s). 557, House Bill(s) No(s). 2937, 2598 and 2609.

It further set the following bill(s) on the **Regular Calendar** for **February 27, 2012**: House Bill(s) No(s). 2343, 2453, 2396, 2383, 2843, 373, 2481 and 2351.

CONSENT CALENDAR

House Resolution No. 183 -- Memorials, Personal Achievement - Kenneth Aaron "Ken" Brown, Eagle Scout. by *Elam.

House Resolution No. 184 -- Memorials, Retirement - Ronnie L. White. by *Williams K.

House Resolution No. 185 -- Memorials, Personal Achievement - Garland Pulley, Eagle Scout. by *Pruitt.

House Resolution No. 186 -- Memorials, Recognition - CSX Nashville Inclusion Council. by *Sontany.

House Joint Resolution No. 659 -- Memorials, Death - Willie Pearl Ellis. by *DeBerry L.

House Joint Resolution No. 660 -- Memorials, Recognition - Bishop Vashti Murphy McKenzie. by *DeBerry L.

House Joint Resolution No. 661 -- Memorials, Recognition - Chattanooga Composite Squadron. by *Dean, *McCormick, *Brooks K.

House Joint Resolution No. 663 -- Memorials, Heroism - Calvin Ward, Medal of Honor recipient. by *Hawk.

House Joint Resolution No. 665 -- Memorials, Recognition - Deliverance Outreach Temple, 20th anniversary. by *Pitts, *Johnson C, *Tidwell.

House Joint Resolution No. 666 -- Memorials, Professional Achievement - Danny Creasy, 2011 Logger of the Year. by *McDaniel.

Senate Joint Resolution No. 575 -- Memorials, Retirement - Vic Humeniuk. by *Burks.

Senate Joint Resolution No. 576 -- Memorials, Recognition - Veterans Honor Guard. by *Burks, *Ford, *Stewart, *Tracy.

Senate Joint Resolution No. 577 -- Memorials, Death - Angelo Vic Varallo. by *Henry, *Kyle, *Harper, *Haynes, *Herron, *Tracy.

Senate Joint Resolution No. 590 -- Memorials, Sports - University of Memphis. by *Kyle, *Ford, *Kelsey, *Marrero, *Norris, *Tate, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Ketron, *Massey, *McNally, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tracy, *Watson, *Yager, *Ramsey.

Senate Joint Resolution No. 591 -- Memorials, Sports - Christian Brothers High School wrestling team, State Duals champions. by *Kyle, *Watson, *Ford, *Kelsey, *Marrero, *Norris, *Tate, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Ketron, *Massey, *McNally, *Overbey, *Roberts, *Southerland, *Stewart, *Summerville, *Tracy, *Yager, *Ramsey.

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Rep. K. Williams moved that all members voting aye on House Resolution No. 184 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Sontany moved that all members voting aye on House Resolution No. 186, with the Davidson County delegation listed first, be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Pruitt moved that all members voting aye on House Resolution No. 185 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. L. DeBerry moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 659, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. L. DeBerry moved that the Shelby County delegation and Rep. Naifeh be added as co-prime sponsors on Senate Joint Resolution No. 590, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

Rep. Gilmore moved that the Davidson County delegation and Rep. Naifeh be added as co-prime sponsors on Senate Joint Resolution No. 577, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody and Ragan.

OBJECTION—CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 660: by Rep. Camper

Under the rules, House Joint Resolution(s) No(s). 660 were placed at the heel of the calendar for February 23, 2012.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford,

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Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2638** -- Criminal Offenses - As introduced, prevents people from living on publicly-owned property not designated for residential use and prohibits people using publicly-owned property from posing a health hazard or threat to the safety and welfare of others. - Amends TCA Title 4; Title 12; Title 29; Title 39 and Title 40. by *Watson, *Carr. (SB2508 by *Gresham)

Rep. Watson moved that House Bill No. 2638 be passed on third and final consideration.

Rep. Coley moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2638 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 4, is amended by adding the following as a new section:

39-14-4__.

(a) This section shall be known and may be cited as the "Equal Access to Public Property Act of 2012".

(b)

(1) The state of Tennessee has a variety of substantial governmental interests with respect to property, and particularly real property, owned by the state. For the reasons stated in this subsection, this section is specifically intended to protect state interests jeopardized by the activity of camping on state property that is not compatible to or designated for such activity.

(2) Whether the property is a state park, recreation area, wildlife refuge, historic building, educational institution or natural green space, it is in the state's interests to be a good steward of public land and manage and protect it in such a manner as to ensure that future

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generations of Tennesseans are able to continue to enjoy the natural treasures and rich beauty of this state

(3) it is also an important state interest that publicly-owned land is properly used. The use of public land in a manner or for a purpose for which it is not designed or made available to the public causes the property to deteriorate more rapidly, and results in higher maintenance and security. This not only depreciates the value of the property but makes it unavailable for its intended purposes.

(4) As important an interest as the preservation of resources is, perhaps more important are the health concerns that can reasonably be expected to follow from the use of public land by a group of people for an activity never contemplated on that location. Without necessities such as sanitary facilities, the risk of communicable disease transforms an unauthorized use of public land into a potential public health problem..

(5) Even though state owned property takes many forms, the common thread is that it is acquired, preserved, improved, protected and maintained using the tax dollars of all citizens of this state. Therefore, ensuring that state land and other property remain available and accessible to all citizens of this state is an interest for which action is justified, if not required.

(6) Therefore, at times it becomes necessary to enact measures, such as the proscription against unauthorized camping contained in this section, to prohibit, regulate or restrict otherwise lawful activities in certain places because they are inimical to substantial state interests, such as the ones set forth in this section.

(c)

(1) As used in this section, "camping" means the erection or use of temporary structures such as tents, tarps, and other temporary shelters for living accommodation activities such as sleeping, or making preparations to sleep.

(2) "Camping" shall include, but not be limited to, the laying down of bedding for the purpose of sleeping, storing personal belongings, making any fire, doing any digging or earth breaking or carrying on cooking activities, whether by fire or use of artificial means such as a propane stove or other heat-producing portable cooking equipment.

(d) An area of state-owned land may be designated as a camping area by the department, agency, official or officials the responsible for the operation, protection or maintenance of the property in question. The area's designation as a camping area may be accomplished by means of signage, advertisement or other notice designed to make known its availability for the activity of camping.

(e) It is an offense for a person to engage in the activity of camping on property owned by the state knowing that the area on which the camping occurs is not specifically designated for use as a camping area by the department or agency responsible for such land.

(f) Any items associated with camping in violation of this section, including tents, portable toilets, sleeping bags, tarps, stakes, ropes, blankets, propane heaters, cooking equipment and generators, shall be subject to seizure and forfeiture by the appropriate state officials authorized to maintain and protect the land on which the camping equipment is found or other officials whose duties include enforcement of this section.

(g) A violation of this section is a Class A misdemeanor.

(h) Nothing in this section shall be construed as preempting or preventing a state department or agency with responsibility for state property from enacting or enforcing other lawful and reasonable rules, regulations, or statutes that concern the use of and access to state property. However, if any such rule, regulation or statute is in conflict with this section, it is the intent that this section shall prevail and the prohibition against camping on state property in areas not designated as camping areas be a uniform one.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

BILL RE-REFERRED

Rep. McDonald moved that House Bill No. 2638 be re-referred to the Finance, Ways and Means Committee, which motion was tabled by Rep. Sargent by the following vote:

Ayes	63
Noes.....	27
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Coley, Dean, Dennis, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto,
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Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 63

Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Sontany, Stewart, Turner J, Turner M, Windle -- 27

Representatives present and not voting were: Bass, DeBerry J -- 2

REGULAR CALENDAR, CONTINUED

Rep. K. Williams moved the previous question, which motion prevailed.

Rep. Watson moved that **House Bill No. 2638**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes.....	26
Present and not voting.....	1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pruitt, Richardson, Shaw, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 26

Representatives present and not voting were: Niceley -- 1

A motion to reconsider was tabled.

***House Bill No. 2370** -- Taxes, Sales - As introduced, establishes requirements for determining whether certain affiliates have physical presence in this state sufficient to establish nexus for sales and use tax purposes; provisions to be repealed January 1, 2014. - Amends TCA Title 67, Chapter 6. by *McCormick, *Brooks K. (SB2232 by *Norris, *McNally)

Rep. K. Brooks moved that **House Bill No. 2370** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 2370** and have this statement entered in the Journal: Rep(s). Stewart.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2225** -- Utilities, Utility Districts - As introduced, revises provisions governing the filling of vacancies occurring on the board of commissioners of certain multi-county utility districts. - Amends TCA Section 7-82-307 and Title 7, Chapter 82, Part 6. by *Haynes. (SB2170 by *Yager, *Henry)

On motion, House Bill No. 2225 was made to conform with **Senate Bill No. 2170**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 2170 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Haynes moved that **Senate Bill No. 2170** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny,

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Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 95

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

***House Bill No. 2371** -- Revenue, Dept. of - As introduced, authorizes the commissioner to require documents or payments filed with the department to be submitted electronically; revises other various provisions regarding the electronic submission of documents and payments to the department. - Amends TCA Title 55; Title 57 and Title 67. by *McCormick, *Sargent. (SB2233 by *Norris, *McNally)

Rep. Sargent moved that House Bill No. 2371 be passed on third and final consideration.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2371 by deleting the following language from Section 1, Section 5, and Section 7 of the bill as introduced:

Any such paper filing shall be accompanied by a manual handling fee

and by substituting instead the following language:

The commissioner is authorized to require that any such paper filing be accompanied by a manual handling fee

AND FURTHER AMEND by deleting the following language from Section 6 of the bill as introduced:

Notwithstanding subsections (a) and (b), the commissioner is authorized to change the due date of the tax levied by this part and the associated tax return to coincide with the taxpayer's fiscal year.

and by substituting instead the following language:

Notwithstanding subsections (a) and (b), the commissioner is authorized to change the tax period established by this part to correspond to the taxpayer's fiscal year. The commissioner is further authorized to change the due date of the associated tax return to a date that it not less than two calendar months following the end of such tax period.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

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Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2371 By adding the following language as a new subsection to the amendatory language of Section 1:

(d) Notwithstanding any provision of law to the contrary, the cumulative total of manual handling fees charged to any one (1) taxpayer for all tax filings in any twelve-month period shall not exceed fifty dollars (\$50.00).

(e) The department shall notify each taxpayer that the cumulative total of all manual handling fees for all paper returns, reports, claims, statements, applications, or other documents filed with the department, including any payments or remittances that accompany such documents, shall not exceed fifty dollars (\$50.00) for all such filings in any twelve-month period. The department shall include such notice in any one (1) regularly scheduled communication between the department and the taxpayer.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2371 by deleting Section 9 in its entirety and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Title 67, Chapter 6, Part 4, is amended by adding the following as a new section:

67-6-4__.

(a) The commissioner of revenue is authorized to require persons selling beer, as defined in § 57-5-101(b), and persons selling tobacco products, as defined in § 67-4-1001(20), to retailers of such beverages or products to file an information report of such sales with the department.

(b) The information report shall contain such information as deemed reasonably necessary by the commissioner of revenue to ascertain the correctness of any tax return or to determine the liability of any person taxable under this part, and may include, but is not limited to, the following information:

(1) The seller's name and license number;

(2) The retailer's name, beer permit number if applicable, and sales and use tax account number;

(3) The retailer's situs code and address, including street address, county, municipality, state, and ZIP code;

(4) The general type of product sold;

(5) The dates each type of product was sold;

(6) The quantity of each type of product sold; and

(7) The monthly sales total, in dollars, of each type of product sold.

(c) The information report shall be filed electronically in a format specified by the commissioner. In extenuating circumstances, upon written request, the commissioner is authorized to waive such electronic filing requirement.

(d) Notwithstanding subsection (b) or (c) to the contrary, no seller shall be required to change its record keeping system for purposes of this section. If the seller's records do not include all of the information requested by the commissioner, or include the information in a different format than requested by the commissioner, the requirements of this section shall be satisfied if the seller includes in the report all of the requested information that the seller does have, in the format in which the seller ordinarily maintains such information.

(e) The information report shall be filed on a monthly or less frequent basis as determined by the commissioner, but in no event shall the report be due sooner than the twentieth (20th) day of the month following the reporting period. Any seller who fails to provide the information report by the due date is subject to a penalty, not to exceed one thousand dollars (\$1,000), for every month the report is not provided, or part thereof, up to a maximum amount of ten thousand dollars (\$10,000). The commissioner is authorized to waive the penalty, in whole or in part, for good and reasonable cause under § 67-1-803.

(f) Any person selling beer, as defined in § 57-5-101(b), who files the report required by this section, which report contains at least the information required by § 57-6-105(b), shall not be required to file with the department the report otherwise required by § 57-6-105(b); provided, however, that nothing in this subsection shall relieve the seller from filing any report, or copy thereof, with any county or municipality.

AND FURTHER AMEND by deleting Section 11 in its entirety.

On motion, Finance, Ways and Means Committee Amendment No. 3 was adopted.

Rep. Harrison moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2371 by deleting the language "a date that it not less than" and substituting instead the language "a date that is not less than" in SECTION 6.

On motion, Amendment No. 4 was adopted.

Rep. Sargent moved that **House Bill No. 2371**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 83
Noes..... 12

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Campbell, Carr, Casada, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Favors, Fitzhugh, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 83

Representatives voting no were: Bass, Butt, Cooper, Faison, Floyd, Hardaway, Harmon, Hensley, Pody, Tidwell, Towns, Windle -- 12

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep(s). Coley, Roach, M. Turner and Wirgau voted "aye" on **House Bill No. 2371**.

Without objection, the Speaker requested that the Journal reflect that Rep(s). Towns voted "no" on **House Bill No. 2371**.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2358** -- Public Contracts - As introduced, increases from \$75,000 to \$150,000 the dollar amount of leases that require approval by the attorney general and state building commission. - Amends TCA Section 12-2-115. by *McCormick, *Harrison. (SB2220 by *Norris, *Ketron)

Rep. Harrison moved that House Bill No. 2358 be reset for the Regular Calendar on March 1, 2012, which motion prevailed.

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***House Bill No. 2405** -- Capital Punishment - As introduced, requires the warden to permit three relatives or close friends of a victim to attend an execution where no surviving immediate family members of the victim over age 18 exist. - Amends TCA Section 40-23-116. by *Ragan. (SB2430 by *McNally)

Rep. Ragan moved that **House Bill No. 2405** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes..... 4

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Cooper, Richardson, Stewart, Windle -- 4

A motion to reconsider was tabled.

***House Bill No. 548** -- Safety, Dept. of - As introduced, increases frequency for physical examinations by Tennessee physicians that for-hire motor carriers providing passenger transportation are required to submit to, from current biennial to annual exams. - Amends TCA Title 7; Title 51 and Title 65. by *Harmon. (SB524 by *Tracy)

On motion, House Bill No. 548 was made to conform with **Senate Bill No. 524**; the Senate Bill was substituted for the House Bill.

Rep. Harmon moved that Senate Bill No. 524 be passed on third and final consideration.

Rep. P. Johnson moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Harmon moved that **Senate Bill No. 524** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart,

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Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

***House Bill No. 2665** -- Food and Food Products - As introduced, requires that sorghum molasses sold or offered for sale in Tennessee must be labeled as 100 percent pure or not pure; authorizes any person who suffers an injury or death, or an ascertainable loss of money or property, as a result of a violation of the bill to bring an action individually to recover actual damages. - Amends TCA Title 53. by *Faison. (SB2620 by *Faulk)

Rep. Faison moved that **House Bill No. 2665** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

Representatives present and not voting were: Shipley -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 2665** and have this statement entered in the Journal: Rep(s). Stewart.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 2405** and have this statement entered in the Journal: Rep(s). M. Turner.

REGULAR CALENDAR, CONTINUED

House Bill No. 2489 -- Remedies and Special Proceedings - As introduced, creates civil right of action for victims of human trafficking offenses. - Amends TCA Title 39, Chapter 13, Part 3. by *Coley, *Jones S, *Brown, *Floyd, *Sparks, *Todd, *Swann, *Gilmore, *Richardson. (*SB2369 by *Marrero)

Rep. Coley moved that **House Bill No. 2489** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

House Bill No. 2161 -- Tort Liability and Reform - As introduced, revises certain provisions regarding tort actions and damages. - Amends TCA Title 20; Title 27; Title 29 and Title 47. by *Dennis. (*SB2120 by *Kelsey)

Rep. Dennis moved that House Bill No. 2161 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2161 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-39-102, is amended by adding the following new subdivision to subsection (h):

(4) If the defendant's act or omission results in the defendant being convicted of a felony under the laws of this state, another state, or under federal law, and that act or omission caused the damages or injuries;

SECTION 2. Tennessee Code Annotated, Section 29-39-104, is amended by adding the following new subdivision to subdivision (a)(7):

(D) If the defendant's act or omission results in the defendant being convicted of a felony under the laws of this state, another state, or under federal law, and that act or omission caused the damages or injuries;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Richardson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2161 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-39-102, is amended by adding the following new subdivision to subsection (h):

(4) If the defendant's act or omission results in the defendant being convicted of a felony under the laws of this state, another state, or under federal law, or in the defendant being found to have violated a state or federal regulation relating to health or safety, and that act or omission caused the damages or injuries;

SECTION 2. Tennessee Code Annotated, Section 29-39-104, is amended by adding the following new subdivision to subdivision (a)(7):

(D) If the defendant's act or omission results in the defendant being convicted of a felony under the laws of this state, another state, or under federal law, or in the defendant being found to have violated a state or federal regulation relating to health or safety, and that act or omission caused the damages or injuries;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Dennis moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	64
Noes.....	28
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 64

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Representatives voting no were: Armstrong, Brown, Camper, Cooper, DeBerry L, Favors, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Richardson, Shaw, Sontany, Stewart, Tidwell, Tindell, Towns, Turner J, Turner M, Windle -- 28

Representatives present and not voting were: Bass, Fitzhugh -- 2

Rep. Dennis moved that **House Bill No. 2161**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

***House Bill No. 2189** -- Naming and Designating - As introduced, names Murfreesboro National Guard Armory in honor of the late First Lieutenant William Eric Emmert. by *Womick. (SB2159 by *Ketron, *Tracy, *Ford, *Stewart)

On motion, House Bill No. 2189 was made to conform with **Senate Bill No. 2159**; the Senate Bill was substituted for the House Bill.

Rep. Womick moved that Senate Bill No. 2159 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Womick moved that **Senate Bill No. 2159** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart,

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Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

House Bill No. 2393 -- Public Contracts - As introduced, requires the chief procurement officer to develop a transition plan by "April 1, 2012", instead of "October 1, 2011", and corrects various typographical errors in provisions governing the procurement office and the authorized entity to promulgate rules with regard to state contracting with illegal immigrants. - Amends TCA Title 4, Chapter 56, Part 1 and Title 12, Chapter 4. by *Johnson C. (*SB2255 by *Ketron)

On motion, House Bill No. 2393 was made to conform with **Senate Bill No. 2255**; the Senate Bill was substituted for the House Bill.

Rep. C. Johnson moved that Senate Bill No. 2255 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. C. Johnson moved that **Senate Bill No. 2255** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 2255** and have this statement entered in the Journal: Rep(s). Kernell.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2215** -- Tort Liability and Reform - As introduced, provides immunity for first responders when using forcible entry to enter premises to render emergency medical assistance when responding to 911 call; enacts "Jaclyn's Law." - Amends TCA Title 7, Chapter 86; Title 29; Title 63, Chapter 6 and Title 68, Chapter 140. by *Casada, *Faison, *Eldridge, *Butt, *Elam, *Evans. (SB2480 by *Johnson, *Ketron)

Rep. Casada moved that House Bill No. 2215 be passed on third and final consideration.

Rep. Watson requested that Judiciary Committee Amendment No. 1 be moved to the heel.

Rep. Casada moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2215 by deleting subsections 29-34-208(a) and 29-34-208(b) of Section 2 of the printed bill and by substituting instead the following:

(a) As used in this section, "first responder" means a law-enforcement officer, firefighter, emergency services personnel or other person who responds to calls for emergency assistance from a 911 call.

(b) A first responder and the responder's supervisor, agency, employer or supervising entity is immune from civil or criminal liability resulting from a forcible entry of a home, business or other structure if the first responder:

(1) Is responding to a documented 911 call for emergency assistance;

(2) Has made reasonable efforts to summon an occupant of the home, business, or structure by knocking or otherwise notifying the occupant of the first responder's presence;

(3) Has not received a response from an occupant within a reasonable period of time after making reasonable efforts pursuant to subdivision (b)(2); and

(4) Has a good faith belief that it is necessary to make a forcible entry for the purposes of rendering emergency assistance or preventing imminent bodily harm.

On motion, Amendment No. 2 was adopted.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2215 by deleting the language "or criminal" from subsection (b) of the amendatory language of Section 1.

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On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Casada moved that **House Bill No. 2215**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

***House Bill No. 2326** -- Nuclear Materials, Transportation and Safety - As introduced, authorizes a nuclear security officer to employ deadly force in certain situations. - Amends TCA Section 38-3-120 and Section 39-11-611. by *Hawk. (SB2651 by *Yager)

Rep. Hawk moved that House Bill No. 2326 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2326 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-11-611(a), is amended by adding the following as new, appropriately designated subdivisions thereto:

() "Category I nuclear facility" means a facility that possesses a formula quantity of strategic special nuclear material, as defined and licensed by the United States nuclear regulatory commission, and that must comply with the requirements of 10 CFR Part 73.

() "Deadly force" means the use of force intended or likely to cause death or serious bodily injury.

() "Nuclear security officer" means a person who meets the requirements of 10 CFR Part 73, Appendix B, who is an employee or an employee of a contractor of the owner of a category 1 nuclear facility, and who has been appointed or designated by the owner of a category I nuclear facility to provide security for the facility.

SECTION 2. Tennessee Code Annotated, Section 39-11-611, is amended by adding the following as a new subsection thereto:

(f) A nuclear security officer is authorized to use deadly force under the following circumstances:

(1) Deadly force appears reasonably necessary to prevent or impede an act, or attempted act, of radiological sabotage at a category I nuclear facility, including but not limited to situations where a person is attempting to, or has, unlawfully or forcefully entered a category I nuclear facility, and where adversary tactics are employed to attempt an act of radiological sabotage, such as, but not limited to:

(A) Use of firearms or small arms;

(B) Use of explosive devices;

(C) Use of incendiary devices;

(D) Use of vehicle borne improvised explosive devices;

(E) Use of water borne improvised explosive devices;

(F) Breaching of barriers; and

(G) Use of other adversary tactics or devices necessary to prevent a terrorist tactic or to prevent an attempted act of radiological sabotage.

(2) Deadly force appears reasonably necessary to protect the nuclear security officer or another person if the nuclear security officer reasonably believes there is an imminent danger of death or serious bodily injury;

(3) Deadly force appears reasonably necessary to prevent the imminent infliction or threatened infliction of death or serious bodily harm or the sabotage of an occupied facility by explosives;

(4) Deadly force appears reasonably necessary to prevent the theft, sabotage, or unauthorized control of a nuclear weapon or nuclear explosive device or special nuclear material from a category I nuclear facility; or

(5) Deadly force reasonably appears to be necessary to apprehend or prevent the escape of a person reasonably believed to:

(A) Have committed an offense of the nature specified under this subdivision (f)(1); or

(B) Be escaping by use of a weapon or explosive or who otherwise poses an imminent danger of death or serious bodily harm to nuclear security officers or others unless apprehended without delay.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Hawk moved that **House Bill No. 2326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

***House Bill No. 2281** -- Home Improvement Contractors - As introduced, includes as an element of the offense of theft by a home improvement contractor, or a consumer protection violation, failure to provide a current address to the residential owner until the work to be performed under the contract is completed. - Amends TCA Section 39-14-154 and Section 47-18-104. by *Dunn. (SB2486 by *Johnson)

Rep. Dunn moved that **House Bill No. 2281** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany,

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Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

House Bill No. 2491 -- Military - As introduced, creates Class B misdemeanor offense of a person falsely representing that he or she was or is a member of the United States armed forces with the intent to deceive another into believing such representation. - Amends TCA Title 58, Chapter 1, Part 1. by *Dunn, *Evans. (*SB2287 by *Massey)

Rep. Dunn moved that House Bill No. 2491 be passed on third and final consideration.

Rep. Harmon moved the previous question, which motion prevailed.

Rep. Dunn moved that **House Bill No. 2491** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

Representatives voting no were: Butt, Kernell -- 2

Representatives present and not voting were: Richardson -- 1

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 601 out of order, which motion prevailed.

Senate Joint Resolution No. 601 -- General Assembly, Recess & Reconvene - Recesses 107th General Assembly from February 16, 2012, until February 23, 2012. by *Norris.

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On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

SPECIAL ORDER

Without objection, Rep. McCormick moved that the House take up the Consent Calendar No. 2 at this time as follows:

CONSENT CALENDAR NO. 2

House Resolution No. 187 -- Memorials, Recognition - Congressman John Lewis. by *Favors, *Brown.

House Joint Resolution No. 669 -- Memorials, Professional Achievement - Cadet Colonel Adam Smith, CAP General Carl A. Spaatz Award. by *Hensley, *Brooks K.

House Joint Resolution No. 671 -- Memorials, Public Service - Lewis Norman, 2011 Dyer County Man of the Year. by *Sanderson.

House Joint Resolution No. 672 -- Memorials, Recognition - Maryanna McClure. by *Sanderson.

House Joint Resolution No. 673 -- Memorials, Personal Occasion - Dorothy Crawford, 90th birthday. by *Swann.

House Joint Resolution No. 674 -- Memorials, Recognition - Dr. Jerry W. Williams. by *Carr.

House Joint Resolution No. 675 -- Memorials, Recognition - Rawls family, 2012 AT&T Black History Calendar Business Honorees. by *Shaw, *Fitzhugh, *Naife, *DeBerry L, *Parkinson.

House Joint Resolution No. 676 -- Memorials, Recognition - Raleigh Assembly of God & The Springs at Southwind. by *Parkinson.

House Joint Resolution No. 677 -- Memorials, Recognition - Dr. Sammie Holloway. by *Parkinson.

House Joint Resolution No. 678 -- Memorials, Recognition - Kurt Carr. by *DeBerry L, *Parkinson, *Miller L, *Camper.

House Joint Resolution No. 680 -- Memorials, Professional Achievement - Deputy Fire Marshal Howard McNatt, Knights of Columbus Employee of the Year. by *Coley.

House Joint Resolution No. 681 -- Memorials, Recognition - Jones Companies, Ltd., 75th anniversary. by *Halford.

House Joint Resolution No. 683 -- Memorials, Personal Achievement - Benjamin J. Mahooty, Eagle Scout. by *Powers.

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Rep. Shaw moved that all members voting aye on House Joint Resolution No. 675 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody and Ragan.

Rep. L. DeBerry moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 678, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody and Ragan.

Rep. Parkinson moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 676, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody and Ragan.

Rep. Parkinson moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 677, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Pody and Ragan.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

UNFINISHED BUSINESS, CONTINUED

RULES SUSPENDED

Rep. Sargent moved that the rules be suspended in order to allow House Bill No. 3727 to be heard in the Finance, Ways and Means Subcommittee next week, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Lollar, **House Bill No. 3391** was recalled from the State and Local Government Committee and withdrawn from the House.

AD HOC COMMITTEE APPOINTMENT

The Speaker announced that she had appointed the following to the Ad Hoc Committee on Insurance and Health Care Exchange: Representatives Hill, Lundberg, Curtiss, Favors and Matlock. Representative Matlock was appointed as chair of the Ad Hoc Committee.

BILLS WITHDRAWN

On motion of Rep. Hurley, **House Bill No. 1350** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Hurley, **House Bill No. 763** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

On motion of Rep. Kernell, **House Bill No. 3507** was recalled from the Agriculture Committee and withdrawn from the House.

On motion of Rep. Floyd, **House Bill No. 2232** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Faison, **House Bill No. 3103** was recalled from the Judiciary Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 538 Rep(s). M. Turner, Fitzhugh, Pitts and L. DeBerry as prime sponsor(s).

House Joint Resolution No. 587 Rep(s). Faison as second prime sponsor(s).

House Joint Resolution No. 587 Rep(s). Dean, Hensley, Harrison and R. Williams as prime sponsor(s).

House Joint Resolution No. 660 Rep(s). Gilmore as prime sponsor(s).

House Bill No. 1198 Rep(s). Rich as first prime sponsor(s).

House Bill No. 1198 Rep(s). Dennis as prime sponsor(s).

House Bill No. 2437 Rep(s). Sparks, L. Miller and Sontany as prime sponsor(s).

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House Bill No. 2447 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Bill No. 2448 Rep(s). M. Turner, Pitts, Fitzhugh and L. DeBerry as prime sponsor(s).

House Bill No. 2449 Rep(s). Pitts and Hurley as prime sponsor(s).

House Bill No. 2661 Rep(s). Moore and Powers as prime sponsor(s).

House Bill No. 2754 Rep(s). Brown, Favors, McCormick and Floyd as prime sponsor(s).

House Bill No. 2792 Rep(s). Evans as prime sponsor(s).

House Bill No. 2853 Rep(s). Hurley as prime sponsor(s).

House Bill No. 2928 Rep(s). Evans as prime sponsor(s).

House Bill No. 3003 Rep(s). Pitts as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Coley was/were removed as sponsor(s) of **House Bill No. 1198**.

On motion, Rep(s). Butt was/were removed as sponsor(s) of **House Bill No. 3164**.

**ENGROSSED BILLS
February 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 682;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2542; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2604; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2125, 2204, 2236, 2312, 2319, 2320, 2326, 2329, 2330, 2331, 2332, 2333, 2334 and 2336; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
February 16, 2012**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 659, 661, 663, 665 and 666.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
February 16, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 2125, 2204, 2236, 2312, 2319, 2320, 2326, 2329, 2330, 2331, 2332, 2333, 2334 and 2336.

**ENGROSSED BILLS
February 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2638;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 600, 638, 639, 641, 644 and 682; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS
February 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 669, 671, 672, 673, 674, 675, 676, 677, 678, 680, 681 and 683.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
February 16, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 183, 184, 185, 186 and 187; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
February 16, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 183, 184, 185, 186 and 187.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
February 16, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2161, 2215, 2281, 2326, 2370, 2371, 2405, 2489, 2491 and 2665.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR
February 16, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2035, with his approval.

HERBERT H. SLATERY, III, Counsel to the Governor

**MESSAGE FROM THE GOVERNOR
February 16, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 630, 637, 652 and 653, with his approval.

HERBERT H. SLATERY, III, Counsel to the Governor

**ENROLLED BILLS
February 16, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2604; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
February 16, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 600, 638, 639, 641, 644 and 682; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
February 16, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 600, 638, 639, 641, 644 and 682.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
February 16, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 600, 638, 639, 641, 644 and 682; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 96

RECESS MOTION

On motion of Rep. McCormick, and pursuant to Senate Joint Resolution No. 601, the House stood in recess until 9:00 a.m., Thursday, February 23, 2012.